

# DOMESTIC VIOLENCE and THE LAW

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## *A Practical Guide for Survivors*

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Experiencing domestic violence can be frightening and  
confusing. It can also make people feel very alone.  
If you have a boyfriend, girlfriend, or spouse that is abusive,  
there are people who want to help.

This booklet can help explain your legal rights  
If you need help right now, you may need to read this  
book later after you are out of immediate danger.

Try not to solve this problem on your own and always  
try to put your safety first.

## What to do RIGHT NOW:

- **CALL 911.**

If you are in danger right now, call the police. You do not need to decide whether a crime has been committed to call them for help. They can drive you to somewhere safe and provide you with information. You can also call them if you need medical attention.

- **CALL someone to HELP and SUPPORT you.**

If you have a friend or family member to help you through this, consider confiding in them. There is an agency in almost every county in North Carolina that can help you. All of them have 24 hour hotlines where you can call for information and help. These agencies are listed, by county, at the back of this book.

### **During a fight. . .**

- Avoid small rooms where you could get trapped, and rooms that contain weapons such as kitchen knives or garage tools.
- Protect your face and head by curling into a tight ball and going into the nearest corner.
- Teach your children to stay away from the fighting so they won't get hurt.
- Make up code words to alert friends or family members that you are in danger.
- If you can confide in your neighbors, ask them to call for help if they hear the abuse or see a pre-arranged signal (for example, your porch light is on or blinking during the daytime).

### **Planning to leave. . .**

- Think about a place you can go where your partner will not find you: a shelter, church/synagogue/mosque/temple, friend's home, hotel, etc.
- Pack an emergency bag including medication, a change of clothes, basic hygiene items, money, spare car, house & office keys, bus pass, and diapers, bottles & formula if necessary (hide the bag in a place ONLY you can easily access such as: your car trunk, shed, garage, office or neighbor's house).
- Collect and hide outside your house originals or copies of documents such as marriage & birth certificates, passports, your and your partner's social security & drivers license numbers, bank account numbers, ATM card, and home & car titles.
- Be cautious about telling your children about your escape plan, to insure they will not accidentally reveal your arrangements.

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## Introduction

Domestic violence under the law is physical abuse done by family members and other people that live in the same house. It can include slapping, punching, beating, kicking, or threats to hurt you. It can include forcing you to have sex.

**Violent behavior towards anyone is  
wrong no matter who does it.**

# What is Domestic Violence Under North Carolina Law?

Emotional abuse without physical violence or threats is not covered by the law at this time, but such abuse can be a sign of future physical abuse. Those organizations listed in the back of this booklet can help you no matter what type of abuse you have suffered.

## 1. Physical Abuse Under the Law.

The legal definition of domestic violence in North Carolina is physical violence and threats. Physical violence includes kicking, beating, grabbing, using a weapon against you (like a knife, gun or a hammer), slapping, pushing, pulling your hair, throwing you (on the floor, down stairs, etc.) or throwing something at you or near you in order to scare you.

Physical Abuse may also be:

- forced sex;
- destruction of your possessions to make you believe you might get physically hurt (like ripping your clothes or destroying your personal items); and
- threatening behavior. For example, if someone lets you know that if you get up from a chair or leave a room, you will be hurt physically.

## 2. Threats Under the Law.

The legal definition of domestic violence includes placing someone in fear of imminent serious bodily harm by threat of force. This may include threats of violence and statements like "I will hit you," "If you leave, I will hurt you," or "If you tell anyone, I will kill you." Domestic violence does not include threats to take custody of the children or to leave the home.

## 3. Child Abuse Under the Law.

The legal definition of domestic violence also includes violence against your children, such as actions that cause marks or bruises on your children. Domestic violence may also include sexual abuse of children, such as fondling or rape.

## 4. Stalking.

Domestic Violence can be stalking, which is defined as "harassment to the level of emotional distress." Stalking includes following someone around either

on foot or in a vehicle. The person being followed would feel threatened or intimidated because he or she is being followed. This also includes harassing or threatening telephone calls, letters, or other communication made with the intent to terrorize someone or put the person in fear of his or her safety.

## **Domestic Violence Under the Law is**

- 1. Physical Abuse.**
- 2. Threats.**
- 3. Child Abuse.**
- 4. Stalking.**

## **How Can a Victim of Domestic Violence Get Help?**

### **1. CALL THE POLICE.**

If you are a victim of domestic violence, you can call the police or county sheriff for help. **BE READY TO PROTECT YOURSELF FROM HARM FOR AT LEAST A SHORT WHILE.** The police are only required to respond to your call as soon as practicable.

**The law requires the police to provide you with:**

- INFORMATION**

Law enforcement officers are trained to know and be able to tell you where the closest shelters for domestic violence victims are located. If you are hurt, in need of food, clothing or counseling, the police can direct you to a place for help.

- TRANSPORTATION**

Law enforcement officers should take you where you need to go to get help, whether it be the home of a friend or family member, shelter or hospital. The police can also take you to the magistrate's office if you want to file a criminal

complaint. If you can do it safely, leave the house and take your children, pets, and important things with you.

- **EMERGENCY ASSISTANCE**

Law enforcement officers are authorized by law to do whatever is reasonable to protect you from harm. The police can arrest your abusive partner if they have good reason to believe that your partner has hurt you. They can also arrest your abusive partner if they believe he has violated a court order by hurting you or coming to your house.

- **COLLECT EVIDENCE THAT YOU HAVE BEEN BEATEN OR THREATENED.**

When the police arrive, give them torn or bloody clothing, pictures or any other evidence of an attack (if you have any). Be sure to give the police names and phone numbers of any witnesses to your attack. If there is a court order that your partner has violated, give the police a copy of it so they can arrest him for violating the order. You should also give the police a copy of separation, divorce or custody papers, if there are any.

- **ASK THE POLICE TO MAKE A REPORT OF WHAT HAPPENED.**

Ask the police to take pictures of your injuries and any damage to your home or belongings and to conduct an investigation. You may ask for the police officer's name and badge number so that the officer can be a witness for you in any civil or criminal proceeding you may bring against your abusive partner. Write this information down so you can report it to the district attorney if you sign a criminal complaint.

If you do not press criminal charges against your abusive partner, the police may be less likely to help you in the future and your abusive partner may believe that he or she can get away with hurting you.

## **2. USE THE COURT SYSTEM.**

To get started with the court system, you can contact:

- **MAGISTRATE.** If the police officer does not file criminal charges against your abusive partner, you can go to the local magistrate and sign a criminal complaint. Look in your local phone book in the blue pages for the telephone number and location of the magistrate's office.

- **CLERK OF COURT.** You can go to your local clerk of court's office to



file a request for a civil complaint and motion for a domestic violence protective order. A local domestic violence assistance agency should be able to assist you in preparing these forms.

- **DOMESTIC VIOLENCE PROGRAM.** You can contact your local domestic violence agency. The phone numbers are listed at the back of this booklet.

- **AN ATTORNEY.** You can contact an attorney for legal advice. If you cannot afford an attorney, then you can contact your local legal services organization for assistance. The phone numbers are listed at the back of this booklet.

### **3. PROTECT YOUR CHILDREN'S SAFETY.**

If you leave the residence, take your children with you. Do not leave them with your abusive partner. If you have left the house and can come back to get the children safely, do so. If you can take your pets safely and have somewhere for them to stay, take them with you too. It is better to talk to an attorney before you move with your children out of North Carolina.

## **How Can You Get Help?**

- 1. Call the Police**
- 2. Use the Court System**
- 3. Protect Your Children's Safety**

## **How Does the Law Protect People Against Domestic Violence?**

You have two distinct options: criminal court and civil court. You can file and pursue actions in both courts at the same time.

### **1. You can bring CRIMINAL CHARGES if:**

- You have suffered violence in an abusive relationship, regardless of whether

you are married to or living with the abuser.

**2. You can and should file a CHILD ABUSE COMPLAINT if:**

- You suspect or know about abuse of any child. Reports of child abuse go to your county Department of Social Services. Their phone number is listed in the blue pages of your phone book under the county section.

**3. You can file for CIVIL RELIEF (a "Protective Order") in the civil courts if:**

- You are currently married to the person abusing you;
- You used to be married to the person abusing you;
- You are currently living with or have previously lived with the person abusing you;
- You and the person who is hurting you are related as parents or grandparents. You can not get an order against a child under 16;
- You are dating or used to date the person who is abusing you and you are different sexes;
- You and the person abusing you have a child in common.

## **How Does a Victim of Domestic Violence Start a Criminal Case?**

**1. REPORT THE CRIME AS SOON AS POSSIBLE**

If you can get to a telephone, call the police immediately. If the police witness an assault, they are required by law to make an arrest on the spot. You should never remain in a place of danger in order to allow the police to witness the violence. They can make an arrest even if they don't witness it if they have enough evidence to believe an assault occurred. This is called "probable cause."

**2. BE PREPARED TO TELL WHAT HAPPENED**

If the police do not witness the assault, and do not find "probable cause," you may have to go to the magistrate's office to file charges. You will need to describe to the magistrate what happened to you and take along with you any witnesses to the domestic violence and any evidence of injury or abuse, including pictures, torn or blood-stained clothes and medical reports. Upon hearing your sworn testimony, the magistrate should issue a criminal summons or a

warrant, even if you do not have physical evidence of abuse.

### **3. MOST COMMON DOMESTIC VIOLENCE CRIMES**

- **RAPE AND SEXUAL OFFENSE**

A person is guilty of raping you if they have vaginal intercourse with you by force and against your will. If the person that rapes you uses or displays a dangerous weapon, causes serious personal injury on you, or is aided in the crime by one or more other persons, the crime is first degree rape and the abuser may be sentenced to life imprisonment. A person is guilty of a sexual offense against you if they force you to have sexual activity (other than vaginal intercourse) by force and against your will.

- **ASSAULT (can be either a misdemeanor or a felony)**

Misdemeanor assault is an act or an attempt, with force and violence, to do immediate physical injury to you and to put you in fear of immediate bodily harm. The assault will result in a more serious penalty if the victim is a child younger than 12, or, if a male older than 18 assaults a female. These crimes are called "assault on a child" and "assault on a female." Felonies are more serious crimes usually resulting in stiffer penalties. A felony assault is one in which a weapon is used with the intent to kill or cause serious injury to someone. Also, strangulation is a common form of domestic abuse, and when strangulation results in injury, it can be charged as a felony.

- **DOMESTIC CRIMINAL TRESPASS**

First, domestic criminal trespass happens only when you and your former partner live in different homes.

A person is guilty of domestic criminal trespass if he or she is a former partner and comes to your residence after your separation and after you have asked him or her not to come to your residence, or, if he or she refuses your request to leave your residence after your separation.

- **COMMUNICATING THREATS**

A person is guilty of communicating threats against you if, without lawful authority, he or she threatens to physically injure you or damage your property, the threat is spoken or in writing, and is made in such a way that it would cause a reasonable person to believe that it is likely to be carried out (and you actually believe that the threat will be carried out).

- **STALKING**

The offense of stalking occurs when a person willfully and continually follows you or is in your presence without legal purpose and with the intent to cause emotional distress to you by placing you in reasonable fear of death or bodily injury. To be illegal, the stalking must occur on more than one occasion.

Stalking may also include threatening telephone calls or other forms of threatening communication which is made for the purpose of terrorizing the victim or placing the victim in fear of his/her personal safety.

- **HARASSING PHONE CALLS**

Using profane, indecent or threatening language against you over the telephone or on your answering machine is illegal. This includes annoying or harassing you by making false statements over the telephone or by repeated calling.

## **TIPS AND POINTERS FOR THE CRIMINAL TRIAL**

- **Attend the Trial**

You will need to be present in court to testify about what happened. You will be contacted by the District Attorney's office with the court date and/or you may contact their office. Their phone number is listed in the blue pages of the phone book.

- **The District Attorney is Your Attorney**

You may contact the district attorney's office before the trial date to discuss the case and the evidence that you will be able to present. If there are any witnesses to the domestic violence that was committed against you, you should let the district attorney know as soon as possible and request that they be subpoenaed to appear at the trial. If you do not think that you can attend the trial, let the district attorney know immediately.

- **Expect Continuances**

Criminal cases are often continued for many different reasons. It is important to keep track of the date on which the case is scheduled to return and, once again, to go to court at the appropriate time and day.

- **Convictions and Punishment**

If the person abusing you (the defendant) is found guilty, the punishment will be decided by the judge. The punishment can be influenced by the type of crime and the abuser's criminal history.

- If you do not appear on the day scheduled for trial, your case may be dismissed. Also, you may be ordered to pay court costs.
- Be present and ready to have all witnesses available on short notice. Cooperate with the district attorney and tell him or her everything you can remember about the domestic violence against you.
- If the abuser attacks you again (after he or she has been found guilty),

you can take out another warrant for the abuser's arrest and should report the attack to his or her probation officer.

- 1. Report the Crime Immediately**
- 2. Explain What Happened Clearly and Thoroughly**
- 3. Know the Court Date. Show up on time!**
- 4. The District Attorney is YOUR attorney. Cooperate with him or her.**

## **How Does a Victim of Domestic Violence Use the Civil Justice System?**

### **What can the Judge order?**

A Domestic Violence Protective Order can provide some or all of the following relief:

- the abuser may not assault, threaten, harass or contact you
- the abuser may not follow you or go to your home, work, school, or other places that you normally go
- possession of the residence so that the abuser cannot return there and/or an order that the abuser leave the residence
- suitable housing other than the former residence
- law enforcement assistance in evicting the abuser from the residence and/or in returning you to it
- temporary custody of the minor children. (You may be asked to show that the children are in danger of violence or abuse)
- temporary child support
- temporary payments for your support if you and the abuser are married (most judges will not award this immediately unless you are handicapped or unless other very special and compelling circumstances exist)
- possession of a vehicle

- possession of your furniture and other household goods
- possession of certain other items of personal property (for example, the tools you use for your work or your child's wheelchair)
- your attorney's fees for the civil case to be paid for by the abuser
- temporary visitation rights
- that the abuser be prohibited from purchasing a firearm
- that the abuser attend and complete an approved abuser treatment program if it is within a reasonable distance.

## Getting Your Domestic Violence Protective Order

### Step One: Prepare and File the Forms

The Clerk of Court at your local county courthouse should be able to give you the appropriate forms to get started. Ask for a "*Complaint and Motion for Domestic Violence Protective Order*" and a "*Civil Summons*." When you describe the domestic violence against you on the complaint form, start with the most recent act of violence first; then go back in time and describe each violent act. Be thorough and add extra sheets if you need to. If the violence has caused any injuries such as bruises, knots or wounds, include that information in the appropriate place on the complaint. Also, be prepared to tell the judge about your injuries and any injuries to your children. If your abusive partner is violent while using alcohol and illegal drugs, tell the judge in the complaint and remind him or her of it in court. **It is very important to show the judge on paper why you are afraid now.** The judge will read your complaint and may ask you more questions in the courtroom. In the complaint, remember to ask for *all* the kinds of relief you want, particularly custody of the children.

### Step Two: The Ex Parte Hearing

If you are in serious, immediate danger, you should ask the judge to issue a temporary or *ex parte* order. *Ex parte* means that the order will be issued without your abusive partner being notified of or going to the hearing. The order protects you while the summons and complaint are being served by the

sheriff to your abusive partner and before he has the chance to come before the judge. The order is only good for ten (10) days and the *ex parte* hearing usually takes place within 24 hours of filing the complaint. Take steps to protect yourself during this time, especially if you think your abusive partner will hurt you because of the actions you are taking to protect yourself.

### **Step Three: Service on the Abuser**

The law requires that the abuser receive a copy of the complaint and motion by personal delivery from your local sheriff. This process is called "service." The judge cannot go to Step Four, the 10-day hearing, until the defendant-abuser has been served. You can give the documents to the sheriff and he or she will attempt service quickly. Give the sheriff as many addresses and phone numbers to reach the abuser that you can gather. It is also helpful to give a full description of the abuser and to complete a form called "Identifying Information about Defendant," which you can get from the clerk's office.

### **Step Four: The 10-Day Hearing**

A full hearing with you, your witness, the abuser and the judge will take place ten days after the summons is issued and the complaint is filed, assuming the abuser has been served with your complaint. Be sure you bring with you to the courtroom any witnesses to the domestic violence against you and all evidence you can gather, such as pictures, medical reports, answering machine messages, and/or torn clothing. If you do not have any evidence, do not worry. They are not required, but they do help the judge believe you. Be prepared to describe to the judge in detail what the abuser has done to you and why you are still afraid of him or her now. Tell the judge about the most recent and most violent episodes first. Be aware that your abuser can ask you questions in court. Keep calm, if you can.

Your abuser is also going to have a chance to tell his side of the story. Do not get upset if the abuser contradicts what you say. Judges have seen many cases of domestic violence and will expect contradictions in the testimony. If the judge believes you are truthful, he or she should give you some form of domestic violence relief.

If the papers are not served on the abuser by the date of the 10-day hearing, the judge may issue another temporary, *ex parte* order or extend your original *ex parte* order until the next court date. You will have to return on later dates until the abuser has been served.

### **Ask the Judge for Relief**

Be certain that you tell the judge exactly what relief you want. You may find it helpful to make a list before you go to court so you do not forget anything. If your circumstances have changed or if you have changed your mind since you filed the complaint, you can change the type of relief you ask for. The judge has the final decision about what kind of relief you will get although the judge will ask for your opinion.

### **Step Five: Keep Your Court Order with You at All Times**

The local law enforcement authorities must keep copies of these orders on file, but you should keep a copy in your purse or other safe place near you so that you can show the police or magistrate that you have a domestic violence order should the abuser violate it.

### **Step Six: Extensions after the First Year**

Your Domestic Violence Protection Order will only last for one year at most. You can get the order extended beyond one year if the abuser continues to be a threat to your physical safety. You must apply for the extension before your original order expires. Forms are available at the clerk of court's office. Again, you must write specifically what the abuser did that was in violation of the order, or why you think that you need to be protected for a longer time, there will be another hearing and you will need to explain your reasons to the judge. The judge may extend your original court order or any succeeding order for up to one year.

## **Frequently Asked Questions**

### **1. What happens if the Abuser Violates the Order?**

**a) You can call the police.** A violation of a domestic violence court order is a criminal offense and you can contact the magistrate's office or the police and have the abuser arrested immediately. The police should arrest the abuser if you show them you have a court order and they reasonably believe that the abuser has violated it. Also, if you have to flee a state due to the actions of the abuser, the abuser may have committed a federal crime and you can call your local U.S. attorney's office (look for the phone number in the blue pages of the phone book).

**b) You can file a "motion for entry of contempt."** Your safety may depend on showing the abuser that you intend to enforce your legal rights. You can



contact an attorney to file a motion for entry of contempt or you can file a motion yourself. The forms are available at the clerk of court's office. Again, you must write specifically what the abuser did that was in violation of the order, and you and the abuser must appear before a judge. The judge may tell the abuser that if the abuser violates the order, he or she will be jailed; or the judge may find that the order has already been violated and sentence the abuser to jail or order that he or she pay a fine.

**2. What happens if you contact the abuser?**

If the judge has ordered the abuser not to contact you, try to refrain from any telephone or personal contact with the abuser. Although you are not violating the law, the judge may be less likely to enforce the order. If you have let the abuser into your home (even if you have started living together again), you can reapply for relief if further domestic violence occurs, but the abuser may be less likely to take a second court order seriously. More importantly, the court may begin to question your credibility and concern for protecting your own safety.

**3. What if my abuser's actions make me move?**

If you have a valid protective order from another state, it will be enforced by North Carolina law enforcement agencies. Also, other states will enforce your North Carolina order and it is a good idea to get a "certified" copy from the clerk before you move.

**4. How does moving affect my child custody rights?**

If you relocate with or without your children because of an act of domestic violence, the court is not allowed to use that fact against you in determining custody or visitation. In custody decisions, the court will consider acts of domestic violence, the safety of your child and safety of either party from domestic violence by the other party. The court may:

- designate a time and place for the exchange of children away from the abused party;
- order the participation of a third party; or
- require supervised visitation.

**5. What if my abuser has an attorney that comes with him to the ten day hearing?**

You should also get an attorney if your abuser is represented. You may ask the court for a continuance to find an attorney. If the court allows the continuance, the ex parte order will also be in effect until the new court date.

If you cannot afford an attorney, you should contact the nearest Legal Aid or Legal Services office as soon as possible. You can find a list of those services at the back of this booklet.

**6. What if my abuser's attorney wants me to settle or dismiss the case?**

Sometimes, it may be better to reach a settlement and not have a formal hearing, but this decision should only be made thinking about what is right for you. This is your choice to make, and you do not have to agree to anything offered by your abuser's attorney. If you can, talk to an attorney about any documents or settlement before you sign anything. These settlement documents are usually called consent orders. If you cannot find your own attorney, make sure that any documents you sign have protective provisions that you can use if you need to call the police.

**7. What if my abuser wants me to agree to a mutual protective order?**

A mutual protective order is one in which both you and the defendant are ordered to stay away from each other, not call each other, etc. The court cannot issue (and you do not have to agree to sign) a mutual protective order (that is, an order that you might be violating) unless:

- the defendant has also filed a complaint against you; and
- the court finds that both you and the defendant acted as aggressors (and not in self-defense).

**8. What can I do to cope with my feelings after being abused?**

You may find it helpful to talk with someone outside of your circle of family and friends. Seek counseling from volunteers at a shelter or other domestic violence assistance program and get any documents or reports from your visit for use in court later. Counseling may be important to your recovery from the domestic violence against you, and may help you sort out your feelings. A list of domestic violence agencies are listed at the end of this booklet.

**9. What if it is not safe for me to stay in my home?**

If you do not think it is safe for you to stay in your home, stay with friends or relatives. In cases where staying with friends or relatives may not be

safe, consider going to a shelter. Most counties have emergency temporary shelters for victims of domestic violence and their children. A list of those programs are at the back of this booklet.

**10. What do I do about my money and important things after I have left my home?**

After you are in a safe place, get money out of bank accounts to which your abuser also has access. Collect important personal belongings after you leave the house, if you can safely. Remember, the police can and should escort you back to your home to get your belongings. Also, you can ask the judge for a provision in your protective order allowing you to get the household goods and other personal things you need.

## **Immigrant North Carolinians**

If you are not a U.S. citizen or permanent resident (have your "green card") and have been abused, you may be eligible to continue staying in this country. If your abuser is your spouse or your parent, you do not have to rely on the abuser to support your petition for a green card.

If you are not married to your abuser, you can file for a "U-visa," which allows you to stay in this country for three years. After three years, you may be eligible to receive a green card.

If you were abused in your home country and are afraid of going back to your home country because your abuser is still in that country, you may qualify as a refugee or asylum seeker.

If someone promised you a job and a visa to come to this country, but you were actually forced to have sex to pay off your debts, you may be eligible for a "T-visa." T-visa holders can remain in this country for three years and then may be eligible to receive a green card.

If you have been abused and are not a citizen or permanent resident, you should talk to an immigration attorney. Although not all Legal Aid and Legal Services offer immigration services, they will have names of attorneys in the area that are willing to help.

## American Indian North Carolinians

Some of the information provided here applies to all North Carolinians. In some cases, however, there are differences for American Indian North Carolinians. If either you or the person who abused you are members of the Cherokee Indian tribe, the proper place to file criminal and civil charges is the Tribal Court. Even if you are not Cherokee, if you live on the reservation, you should file papers with the Tribal Court.

There are a few things to know about how the Cherokee Tribal Court works. There are advocates who can help explain the process to you and make sure you are not alone. You can call the domestic violence agency listed in the table that follows for help. In order to reach the Tribal Court, call (828) 497-7874 or (828) 497-7720. If you have access to the Internet, you can read the Cherokee Tribal Rules for the NC Eastern Band of Cherokee by going to the following internet address: <http://www.tribalresourcecenter.org/ccfolder/eccodetoc.htm>.

The following is a list of organizations and tribes located around the state that will give information and referrals to American Indians. Help is available.

### **Cumberland County**

Cumberland County Association for  
Indian People  
(910) 483-8442  
Email: [ccaip@onp.wdsc.org](mailto:ccaip@onp.wdsc.org)

### **Guilford County**

Guilford Native American Association  
(336) 273-8686  
Email: [warbnash@yahoo.com](mailto:warbnash@yahoo.com)

### **Halifax-Warren County**

Haliwa-Saponi Tribe  
(252) 586-4017  
Email: [jor@coastalnet.com](mailto:jor@coastalnet.com)

### **Person County**

Indians of Person County  
(336) 599-5020  
Email: [sapony@starpower.net](mailto:sapony@starpower.net)

### **Wake County**

Triangle Native American Society  
(919) 661-2515

### **Statewide Advocacy**

The North Carolina Commission  
of Indian Affairs  
[www.doa.state.nc.us/doa/cia/indian.h](http://www.doa.state.nc.us/doa/cia/indian.htm)  
[tm](http://www.doa.state.nc.us/doa/cia/indian.htm)  
(919) 733-5998

## Help Is Available

Almost every county in North Carolina has a domestic violence service provider. These agencies are designed to assist victims of domestic violence by providing information, support and emergency response, like emergency shelter and confidential hotlines.

You may also need an attorney. To see if you are eligible to receive the services of an attorney, you should call the legal services office in your area (see table below).

### **ALAMANCE COUNTY**

Family Abuse Services\*  
Burlington  
Crisis line: (336) 226-5985  
Office: (336) 226-5982

### **ALEXANDER COUNTY**

Domestic Violence Resource Center\*  
Taylorsville,  
Crisis line: (828) 635-8881  
Office: (828) 635-8850

### **ALLEGHANY COUNTY**

Domestic Abuse is Not Acceptable  
(DANA)  
Sparta  
Crisis/Office: (336) 372-3262

### **ANSON COUNTY**

Anson Co. DV Coalition\*  
Wadesboro,  
Crisis line: (704) 690-0362  
Office: (704) 694-4499

### **ASHE COUNTY**

A Safe Home for Everyone (A.S.H.E.)  
West Jefferson  
Crisis: (336) 219.2600 (Sheriff's  
Office)  
Office: (336) 982-8851

### **AVERY COUNTY**

Acada, Inc.\*

Newland,  
Crisis: 828-733-3512  
Office: (828) 733-3512

### **BEAUFORT COUNTY**

Options to Domestic Violence\*  
Washington  
Crisis line: (877)-723-8390  
Office: (252) 946-3219

### **BERTIE COUNTY**

(See Hertford County)

### **BLADEN COUNTY**

Families First, Inc. (Satellite Office)  
Whiteville  
Crisis Office: (910) 862-2534

### **BRUNSWICK COUNTY**

Hope Harbor Home, Inc.\*  
Supply  
Crisis line: (910) 754-5856  
Office: (910) 755-7248

Sunshine Transitional Programs, Inc.  
Shallotte  
Office: (910) 579-5908

### **BUNCOMBE COUNTY**

Helpmate\*  
Asheville  
Crisis line: (828) 254-0516  
Office: (828) 254-2968

Interlace  
Asheville  
Office: (828) 252-1155

**BURKE COUNTY**

Options\*  
Morganton  
Crisis/Office: (828) 438-9444

**CABARRUS COUNTY**

CVAN- Women's Program\*  
Concord  
Crisis line: (704) 788-2826  
Office: (704) 788-1108

**CALDWELL COUNTY**

Shelter Home of Caldwell County\*  
Lenoir  
Crisis/Office: (828) 758-0888

**CAMDEN COUNTY**

(See Pasquotank County)

**CARTERET COUNTY**

Carteret Co. DV Program\*  
Morehead City  
Crisis line: (252) 728-3788  
Office: (252) 726-2336

**CASWELL COUNTY**

Caswell Family Violence Prevention\*  
Yanceyville  
Crisis/Office: (336)-694-5655

**CATAWBA COUNTY**

First Step Domestic Violence Program\*  
Hickory  
Crisis/Office: (828) 322-1400 or 911

**CHATHAM COUNTY**

Family Violence & Rape Crisis  
Services\*  
Pittsboro  
Crisis line : (919) 545.0224

Office: (919) 542-5445

**Coalition for Family Peace\***

Siler City  
Crisis Line: (919) 545-0224  
Office: (919) 742-7320

**CHOWAN COUNTY**

(See Pasquotank County for main  
office)  
Hopeline - Satellite Office  
Office: (252) 482-9918

**CHEROKEE COUNTY**

Task Force on Family Violence/  
REACH, Inc.\*  
Murphy  
Crisis line: (828) 837- 8064  
Office: (828) 837-2097

**CLAY COUNTY**

REACH of Clay County  
Hayesville  
Crisis/Office: (828) 389-0797

**CLEVELAND COUNTY**

Abuse Prevention Council, Inc.\*  
Shelby  
Crisis line: (704) 481-0043  
Office: (704) 487-9325

**COLUMBUS COUNTY**

Families First, Inc.\*  
Whiteville  
Crisis line: (910) 641-0444  
Office: (910) 642-5996

**CRAVEN COUNTY**

Coastal Women's Shelter\*  
New Bern  
Crisis line: (252) 638-5995  
Office: (252) 638-4509

**CUMBERLAND COUNTY**

CARE- Family Domestic Violence  
Program  
Fayetteville  
Crisis/Office: (910) 323-4187

**CURRITUCK COUNTY**

(See Pasquotank County)

**DARE COUNTY**

Outer Banks Hotline, Inc.\*  
Manteo  
Crisis line: (252) 473-3366  
Office: (252) 473-5121

**DAVIDSON COUNTY**

Family Services of Davidson Co\*  
Lexington  
Crisis line: (336) 243-1934  
Office: (336) 243-1628

**DAVIE COUNTY**

Davie Domestic Violence and Rape  
Crisis Services\*  
Mocksville  
Crisis line: (336) 751-4357  
Office: (336) 751-3450

**DUPLIN COUNTY**

Sarah's Refuge, Inc.\*  
Warsaw  
Crisis line: (910) 293-3206  
Hotline: 1-877-299-8111  
Office: (910) 293-3467

**DURHAM COUNTY**

Durham Crisis Response Center  
Durham  
Crisis: (919) 403-6562  
Office: (919) 403-9425

**EDGECOMBE COUNTY**

My Sister's House\*  
Rocky Mount

Crisis line: (252) 459-3094  
Toll-free Crisis: (888) 465-9507  
Office: (252) 462-0366

**FORSYTH COUNTY**

Family Services, Inc.\*  
Winston-Salem  
Crisis line: (336) 723-8125  
Office: (336) 723-8173

Family Services Shelter\*  
Winston-Salem  
Phone: 336-724-3979

**FRANKLIN COUNTY**

Safe Space\*  
Louisburg  
Crisis line: (919) 497-5444  
Office: (336) 724-3979

**GASTON COUNTY**

Shelter of Gaston County\*  
Gastonia  
Crisis: (704) 852-6000  
Office: (704) 866-3826

**GATES COUNTY**

(See Pasquotank County)

**GRAHAM COUNTY**

Hope For Families  
Robbinsville  
Crisis line: (828) 479-4332  
Office: (828) 479-4612

**GRANVILLE COUNTY**

Families Living Violence Free  
Oxford  
Crisis: (919) 693-2324  
Office: (919) 693-2662

**GREEN COUNTY**

(See Lenoir County)

**GUILFORD COUNTY**

Family Service of the Piedmont  
High Point  
Crisis line: (336) 889-7273  
Office: (336) 889-6161

Greensboro Location:  
Office: (336) 387.6105

**HALIFAX COUNTY**

Hannah's Place\*  
Roanoke Rapids  
Crisis line: (252) 535-5946  
Office: (252) 537-2882

**HARNETT COUNTY**

SAFE of Harnett Co.\*  
Lillington  
Crisis/Office: (910) 893-7233

**HAYWOOD COUNTY**

REACH of Haywood County, Inc.\*  
Waynesville  
Crisis/Office: (828) 456-7898

30th Judicial District DV-SA Alliance,  
Inc.  
Waynesville  
Office: (828) 456-4409

**HENDERSON COUNTY**

Mainstay\*  
Hendersonville  
Crisis/Office: (828) 693-3840  
Hispanic Hotline: (828) 674-5099

**HERTFORD COUNTY**

Roanoke-Chowan SAFE\*  
Ahoskie  
Crisis line: (252) 332-1933  
Office: (252) 332-4047

**HOKE COUNTY**

Hoke Co. Youth and Family Services

Raeford

Crisis: (910) 875-4494  
Office: (910) 875-8989

**HYDE COUNTY**

(See Beaufort County)

**IREDELL COUNTY**

Fifth St. Shelter Ministries\*  
C/O My Sister's House  
Statesville  
Crisis line: (704) 872-3403  
Office: (704) 872-4045

**JACKSON COUNTY**

REACH of Jackson County\*  
Sylva  
Crisis line: (828) 586-1911  
Office: (828) 631-4488

**JOHNSTON COUNTY**

Harbor\*  
Smithfield  
Crisis line (toll-free): (877) 934-0233  
Office: (919) 934-0233

**JONES COUNTY**

(See Onslow County)

**LEE COUNTY**

Haven\*  
Sanford  
Crisis/Office: (919) 774-8923

**LENOIR COUNTY**

SAFE in Lenoir County\*  
Kinston  
Crisis/Office: (252) 523-5573

**LINCOLN COUNTY**

Lincoln Co. Coalition Against D.V.\*  
Lincolnton  
Crisis line: (704) 736-1224  
Office: (704) 736-0112



**MACON COUNTY**

REACH of Macon County\*  
Franklin NC  
Crisis/Office: (828) 369-5544

**MADISON COUNTY**

Helpmate of Madison County\*  
Marshall  
Crisis (toll-free): (888) 765-3441  
Office: (828) 649-2582

**MARTIN COUNTY**

(See Beaufort County)

**McDOWELL COUNTY**

Family Services of McDowell Co\*  
Marion  
Crisis line: (828) 652-6150  
Office: (828) 652-8538

**MECKLENBURG COUNTY**

UFS- The Shelter for Battered Women\*  
Charlotte  
Crisis/Office: (704) 332-2513

UFS-Victim Assistance\*

Charlotte  
Crisis line: Shelter for Battered Women  
(704) 332-2513  
Office: (704) 336-4126

Mecklenburg Women's Commission  
Charlotte

Office: (704) 336-3414

**MITCHELL COUNTY**

SafePlace\*  
Spruce Pine  
Crisis line: (828) 765-4044  
Office: (828) 765-4015

**MONTGOMERY COUNTY**

Crisis Council\*  
Troy

Crisis line: 910-572-3747  
Office: (910) 572-3749

**MOORE COUNTY**

Friend To Friend\*  
Carthage  
Crisis/Office: (910) 947-3333

**NASH COUNTY**

(See Edgecombe County)

**NEW HANOVER COUNTY**

Domestic Violence Shelter & Services\*  
Wilmington  
Crisis (toll-free): (800) 672-2903  
Office: (910) 343-0703

**NORTHAMPTON COUNTY**

(See Halifax County)

**ONSLOW COUNTY**

Onslow Women's Center\*  
Jacksonville  
Crisis/Office: (910) 347-4000

**ORANGE COUNTY**

KIRAN, Inc.  
Chapel Hill  
Crisis Office: (919) 865-4006

Family Violence Prevention Center of  
Orange County\*  
Chapel Hill  
Crisis Line: (919) 929.7122  
Office: (919) 929-FVPC(3872)

**PAMLICO COUNTY**

(See Craven County)

**PASQUOTANK COUNTY**

Albemarle Hopeline\*  
Elizabeth City  
Crisis line: (252) 338-3011  
Office: (252) 338-5338

**PENDER COUNTY**

Safe Haven Pender County\*  
Burgaw  
Crisis line: (910) 259-9410  
(only in Burgaw area call (800) 259-8887)  
Office: (910) 259-8989

**PERQUIMMANS COUNTY**

(See Pasquotank County)

**PERSON COUNTY**

Safe Haven Person County\*  
Roxboro  
Crisis line: (336) 599-7233  
Office: (336) 597-8699

**PITT COUNTY**

Family Violence Program of  
Pitt Co., Inc.  
Greenville  
Crisis line: (252) 752-3811  
Office: (252) 758-4400

**POLK COUNTY**

Steps To Hope, Inc.\*  
Columbus  
Crisis (toll free): (888) UHAVEHOPE  
Office: (828) 894-2340

**RANDOLPH COUNTY**

Family Crisis Center\*  
Asheboro  
Crisis line: (336) 629-4159  
Office: (336) 626-5040

**RICHMOND COUNTY**

Womenfolk Unlimited\*  
Rockingham  
Crisis line: (910) 995-1872  
Office: (910) 997-4840

**ROBESON COUNTY**

Southeastern Family Violence Center\*

Lumberton

Crisis line: (910) 739-8622  
Office: (910) 739-8622

**ROCKINGHAM COUNTY**

HELP Inc.: Center Against Violence\*  
Wentworth  
Crisis/Office: (336) 342-3331

**ROWAN COUNTY**

Rape, Child & Family Abuse Crisis  
Council of Salisbury-Rowan, Inc.\*  
Salisbury  
Crisis/Office: (704) 636-4718

**RUTHERFORD COUNTY**

Family Resources of Rutherford Co\*  
Forest City  
Crisis/Office: (828) 245-8595

**SAMPSON COUNTY**

U-CARE\*  
Clinton  
Crisis/Office: (910) 596-0931

**SCOTLAND COUNTY**

Dom. Violence & Rape Crisis Center\*  
Laurinburg  
Crisis Line: (910) 276-6268  
Office: (910) 276-5505

**STANLY COUNTY**

(See Montgomery County)

**STOKES COUNTY**

Stokes Family Violence & Services\*  
Danbury  
Office: (336) 593-9323

**SURRY COUNTY**

Surry Domestic Violence Program\*  
(Asso. w/Yadkin Co.)  
Mount Airy  
Crisis line: (336) 786-6155, 911  
Office: (336) 367-7251

**SURRY COUNTY**

Surry Women's Shelter\*  
Dobson  
Crisis Line: (336) 386-8078  
Office: (336) 386-9657

**SWAIN COUNTY**

Swain/Qualla SAFE\*  
Bryson City  
Crisis line: (828) 488-6809  
Office: (828) 488-9038

**TRANSYLVANIA COUNTY**

SAFE of Transylvania County\*  
Brevard  
Crisis/Office: (828) 885-7233

**UNION COUNTY**

Turning Point Union County\*  
Monroe  
Crisis line: (704) 283-7233  
Office: (704) 283-9150

**VANCE COUNTY**

Heart's Haven  
Henderson  
Crisis: (252) 436-2401  
Office: (252) 492-8231

**WAKE COUNTY**

Interact\*  
Raleigh  
Crisis line: (919) 828-7740  
Office: (919) 828-7501

**WARREN COUNTY**

Helping Hands\*  
Warrenton  
Crisis/Office: (252) 257-6781

**WASHINGTON COUNTY**

See Beaufort County)

**WATAGUA COUNTY**

OASIS\*  
Boone  
Crisis: (828) 262-5035 or for area  
codes: 828,336,423 call (800) 268-  
1488  
Office: (828) 264-1532

**WAYNE COUNTY**

The Lighthouse of Wayne County\*  
Goldsboro  
Crisis/Office: (919) 736-1313

**WILKES COUNTY**

SAFE, Inc. \*  
Wilkesboro  
Crisis line: (336) 838-SAFE(7233)  
Office: (336) 838-9169

**WILSON COUNTY**

Wesley Shelter\*  
Wilson  
Crisis/Office: (252) 291-2344

**YADKIN COUNTY**

Yadkin Co Family Domestic Violence  
Program\*  
Yadkinville  
Crisis line: (336) 679-2500  
Office: (336) 679-2070

**YANCEY COUNTY**

Family Violence Coalition of Yancey \*  
Burnsville  
Crisis line: (828) 682-0056  
Office: (828) 682-5655

## Legal Aid/Legal Services

Legal services offices serve victims of domestic violence regardless of how much money you make. Most offices can only help with domestic violence protective orders. The following list contains the name, location and phone numbers of legal services offices in North Carolina.

Domestic Violence Initiative of Legal Aid of North Carolina (statewide): (919) 856-2142

### LEGAL AID OF NORTH CAROLINA OFFICES And counties served

#### **Legal Aid of NC - Ahoskie Office**

610 East Church Street  
Ahoskie NC 27810  
252-332-5124 or 800-682-0010  
Counties served: Bertie, Camden, Currituck, Dare, Gates, Halifax, Hertford, Northhampton, Pasquotank, Perquimans

#### **Legal Aid of NC - Asheville Office**

184 East Chestnut  
Asheville NC 28801  
828-236-1080 or 877-439-3480  
Counties served: Buncombe, Henderson, Madison, Polk, Rutherford, Transylvania

#### **Legal Aid of NC - Boone Office**

171 Grand Boulevard  
Boone NC 28607  
828-264-5640 or 800-849-5666  
Counties served: Alleghany, Ashe, Avery, Watauga, Wilkes,

#### **Legal Aid of NC - Charlotte Office**

1431 Elizabeth Avenue  
Charlotte NC 28204  
704-971-2621  
Counties served: Mecklenberg

#### **Legal Aid of NC - Concord Office**

133 Union Street South  
Concord NC 28025  
704-786-4145 or 877-439-3480  
Counties served: Cabarrus, Stanly, Union

#### **Legal Aid of NC - Durham Office**

The City Center  
201 West Main Street  
Durham NC 27702  
919-688-6396 or 800-331-7594  
Counties served: Durham, Franklin, Granville  
Person, Vance, Warren

#### **Legal Aid of NC - Fayetteville Office**

157 Gillespie Street  
Fayetteville NC 28302  
910-483-0400 or 800-824-5340  
Counties served: Cumberland, Hoke

#### **Legal Aid of NC - Gastonia Office**

111 East Third Avenue, Suite 200  
Gastonia NC 28052  
704-865-2357  
Counties served: Gaston

#### **Legal Aid of NC - Greensboro Office**

122 North Elm Street, Suite 700  
Greensboro NC 27401  
336-272-0148 or 800-951-2257

Counties served: Davidson, Guilford,  
Montgomery, Randolph, Rockingham,  
Rowan

**Legal Aid of NC - Greenville Office**

301 S. Evans Street  
P O Box 7283  
Greenville NC 27835  
252-758-0113 or 800-682-4592  
Counties served: Pitt, Martin, Hyde,  
Washington, Tyrrell

**Legal Aid of NC - Goldsboro Office**

102-A South William Street  
Goldsboro NC 27530  
919-731-2800 or 800-682-7902  
Counties served: Greene, Lenoir,  
Wayne

**Legal Aid of NC - Monroe Office**

100 West Jefferson Street  
Monroe NC 28110  
704-283-2172 or 877-439-3480  
Counties served: Buncombe, Mitchell,  
Henderson, Polk, Yancey, Rutherford,  
Madison, Transylvania

**Legal Aid of NC - Morganton Office**

211 East Union Street  
Morganton NC 28655  
828-437-8280 or 800-849-5195  
Counties served: Alexander, Burke,  
Caldwell, Catawba, Cleveland, Lincoln,  
McDowell

**Legal Aid of NC - New Bern Office**

213 Pollock Street  
P O Box 1167  
New Bern NC 28563  
252-637-9502 or 800-672-8213  
Counties served: Beaufort, Carteret,  
Craven,  
Jones, Pamlico

**Legal Aid of NC - Pembroke Office**

101 East Second Street  
Pembroke NC 28372  
910-521-2831 or 800-554-7852  
Counties served: Cumberland, Hoke,  
Robeson, Scotland

**Legal Aid of NC - Pittsboro Office**

959 East Street , Suite A & B  
Pittsboro NC 27312  
919-542-0475 or 800-672-5834  
Counties served: Chatham, Orange,  
Lee, Richmond, Alamance

**Legal Aid of NC - Raleigh Office**

219 Fayetteville Street Mall  
One Exchange Plaza, Suite 810  
P O Drawer 1731  
Raleigh NC 27602  
919-828-4647  
Counties served: Harnett, Johnston,  
Lee, Sampson, Wake

**Legal Aid of NC - Rocky Mount Office**

148 South Washington Street Mall,  
Suite 105  
Rocky Mount, NC 27802-0388  
252-442-0635 or 800-682-7902  
Counties served: Edgecombe, Nash

**Legal Aid of NC - Sanford Office**

133 South Homer Boulevard, Suite 8  
Sanford NC 27330  
919-774-6241  
Counties served: Lee

**Legal Aid of NC - Smithfield Office**

312 South Third Street  
Smithfield NC 27577  
919-934-5027 or 800-682-1016  
Counties served: Harnett, Johnston,  
Sampson

**Legal Aid of NC - Sylva Office**  
1286 West Main Street  
Sylva NC 28779  
828-586-8931 or 800-458-6817  
Counties served: Cherokee, Clay,  
Graham, Haywood, Jackson, Macon,  
Swain, Qualla Indian Boundary

**Legal Aid of NC - Wilmington Office**  
201 North Front Street, Suite 1002  
Wilmington NC 28402  
910-763-6207 or 800-672-9304  
Counties served: Bladen, Brunswick,  
Columbus, Duplin, New Hanover,  
Onslow, Pender

**Legal Aid of NC - Wilson Office**  
409 North Goldsboro Street  
P O Box 2688  
Wilson NC 27894  
252-291-6851 or 800-682-7902  
Counties served: Wilson

**Legal Aid of NC - Winston-Salem Office**  
Liberty Plaza, 102 Liberty Street,  
Suite 305  
Winston-Salem, NC 27120-0188  
336-725-9162 or 866-472-4243  
Counties served: Davie, Forsyth,  
Iredell,  
Stokes, Surry, Yadkin

**LANC STATEWIDE PROJECT:**

**Domestic Violence Initiative**  
224 S. Dawson Street  
Raleigh NC 27611  
919-856-2142  
Counties served: Statewide

**NON LANC FUNDED PROGRAMS**

**Legal Aid Society of Northwest North Carolina**  
216 W. Fourth Street  
Winston-Salem NC 27101  
336-725-9166 or 800-660-6663  
Counties served: Davie, Forsyth,  
Iredell, Stokes,  
Surry, Yadkin

**Legal Services of Southern Piedmont**  
1431 Elizabeth Avenue  
Charlotte NC 28204  
704-971-2622  
Client line: 704-376-1600  
Counties served: Mecklenberg, West  
Central Counties

**Pisgah Legal Services**  
89 Montford Avenue  
Asheville NC 28802  
828-253-0406 or 800-489-6144  
Counties served: Buncombe,  
Henderson, Madison,  
Polk, Rutherford, Transylvania

You may also contact your local social services office for further information. They are listed in the phone book in the blue pages in the county section.

## Glossary of Terms Used in This Booklet

- Accused:** A person or persons formally charge but not yet tried for committing a crime.
- Affidavit:** A written, sworn statement in which the writer swears that the information stated therein is true.
- Alleged:** The term used to modify any fact or charge not yet proven true.
- Arrest:** The taking into custody of a person suspected of a crime for the purpose of charging him with committing a specific offense.
- Arrest warrant:** A document issued by a judicial officer which directs a law enforcement officer to arrest a person who has been accused of an offense.
- Assault:** An attempt, with unlawful force, to inflict bodily injury upon another, along with the current ability to succeed in the attempt unless prevented from doing so. No physical contact is necessary.
- Assault by Pointing a Gun:** Pointing a gun or pistol at someone, whether loaded or not.
- Assault on a Female:** An assault on a woman by a man at least 18 years of age.
- Battery:** The infliction of physical contact with force by one person against another.
- Charge:** A formal allegation that a specific person(s) has committed a specific offense; also referred to as "pressing charges."
- Communicating a Threat:** Willfully threatening to injure someone or damage the property of another, which the person threatened believes will be carried out.
- Contempt of Court:** Failure to obey a judge's order. The judge may find a party in criminal or civil contempt.
- Continuance:** A delay or postponement of a court hearing; the case is said to be "continued" when it has been delayed or postponed.
- Conviction:** The judgment of the court, based either on the decision of a jury or on the guilty plea of the accused, that the defendant is guilty of the crime for which he has been tried.
- Custodial parent:** The party to whom the court has awarded custody of her children and who is usually entitled to receive child support from the non-custodial parent on behalf of the children.
- Defendant:** In criminal law, a person who has been formally charged with committing a crime and against whom a criminal proceeding is pending. In civil law, a person who has been sued by the plaintiff.
- Dismissal:** A decision by a judicial officer to end a case for legal or other reasons without a determination of guilt or innocence.

**Docket:** The list of cases to be heard on a given day.

**Domestic Violence Protective Order:** A civil order that grants immediate relief to victims of domestic violence by enjoining batterers from further acts of abuse.

**Evidence:** Testimony and objects (such as photographs, medical records) used to prove or corroborate the statements made by the victim, the accused or other witnesses.

**Ex-parte:** In Latin, this means "from one side." A temporary order issued by a judge who hears from only one party in the dispute and without the other party being present is an ex parte order.

**Magistrate:** An officer of the District Court whose duties include accepting guilty pleas, entering judgment of certain misdemeanors and issuing search and arrest warrants.

**Plaintiff:** The person filing a complaint in a civil proceeding.

**Pro Bono:** When an attorney takes a case agreeing to represent the party for no fee.

**Pro se:** Acting as one's own attorney in any legal proceedings: representing oneself.

**Prosecutor:** An attorney for the county employed by a government agency whose official duty it is to represent criminal defendants who are unable to hire their own attorneys.

**Public Defender:** An attorney for the county employed by a government agency whose official duty it is to represent criminal defendants who are unable to hire their own attorneys.

**Rape:** Unlawful sexual intercourse or attempted sexual intercourse by a male with a female by force or without legal or factual consent. A spouse can be charged with rape.

**Separation Agreement:** A legal contract between parties that covers issues such as a division of property, financial matters, custody and visitations. This is NOT the equivalent of a court order and therefore the court does not have powers of contempt over the parties if the agreement is breached.

**Sexual assault:** Broadly, any sexual act or attempted sexual act in which the victim is forced to participate by the threat or use of force.

**Temporary Restraining Order:** See Domestic Violence Protective Order. A Temporary Restraining Order is also a separate civil remedy that a party can seek if she does not meet the requirements of a domestic violence protective order.

**Testimony:** Statements made in court by witnesses or parties who have sworn to tell the truth.